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BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
FOR THE STATE OF ARIZONA

In the Matter of:) CASE NO. 1369
WILLIAM J. LUKE, D.O.) STIPULATION FOR FINDINGS
Holder of License No. 1202.) OF FACT, CONCLUSIONS OF
LAW AND CONSENT ORDER

By mutual agreement and understanding, the Arizona State Board of Osteopathic Examiners ("Board") and William J. Luke, D.O., ("Respondent"), agree to the following disposition of this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of and understands the content of this document.

2. Respondent understands that by entering into this Stipulation he voluntarily relinquishes any rights to a hearing or judicial review on the matters alleged in the Stipulated Findings of Fact and Conclusions of Law or to challenge the Board's Order.

3. Respondent acknowledges his understanding that this Stipulation and Consent Order will not become effective until approved by the Board.

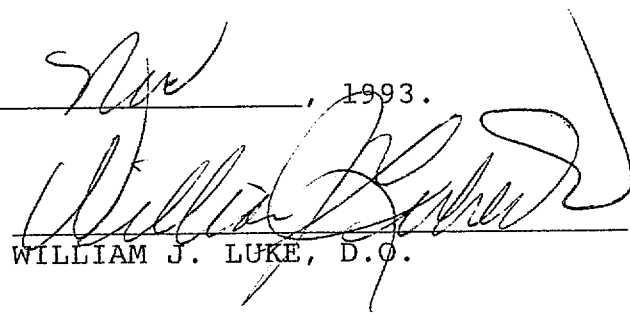
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a

1 public record which may be disseminated as a formal disciplinary
2 action of the Board.

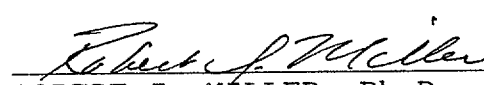
3 5. Any admissions made by Respondent are solely for the
4 stipulated disposition of this matter and are not intended as an
5 admission against his interest or an admission of liability in any
6 civil litigation.

7 6. Respondent is aware that any violation of said
8 Consent Order constitutes unprofessional conduct pursuant to
9 A.R.S. § 32-1854(26) and may result in disciplinary action
10 pursuant to A.R.S. § 32-1855.

11 SIGNED this 5 day of Nov, 1993.

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13 
14 WILLIAM J. LUKE, D.O.

15 ACCEPTED this 5th day of November, 1993.

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17 
18 ROBERT J. MILLER, Ph.D.
19 Executive Director

20 FINDINGS OF FACT

21 1. The Board of Osteopathic Examiners of the State of
22 Arizona ("Board") is the duly constituted authority for the
23 regulation and control of the practice of osteopathic medicine in
24 the State of Arizona.

25 2. William J. Luke, D.O. is the holder of License No.
26 1202 for the practice of osteopathic medicine in the State of
Arizona.

1 3. The Board issued a formal complaint and notice of
2 hearing against Respondent on February 26, 1993, which alleges
3 that Respondent engaged in unprofessional conduct in the practice
4 of medicine.

5 4. For the purposes of this stipulated order, the
6 factual allegations of the Board's Complaint at paragraphs 4
7 through 17 are true, accurate and incorporated herein by reference
8 as if expressly set forth.

9 CONCLUSIONS OF LAW

10 1. The Board of Osteopathic Examiners of the State of
11 Arizona possesses jurisdiction over the subject matter hereof and
12 over William J. Luke, D.O., pursuant to A.R.S. § 32-1801, et seq.

13 2. The Board has authority to enter into an agreement
14 for the stipulated disposition of this matter pursuant to A.R.S.
15 § 41-1061(D).

16 3. The finding of fact set forth at paragraph 4
17 constitutes unprofessional conduct as defined by statute as
18 follows:

19 (A) The conduct and circumstances described in
20 paragraphs 4 through 17 constitute conduct in violation of A.R.S.
21 § 32-1854(5): Prescribing, dispensing or administering controlled
22 substances or prescription-only drugs for other than accepted
23 therapeutic purposes.

24 (B) The conduct and circumstances described in
25 paragraphs 4 through 17 of the Board's Complaint constitute
26 conduct in violation of A.R.S. § 32-1854(19): Any conduct or

1 practice contrary to recognized standards of ethics of the
2 osteopathic medical profession or any conduct or practice which
3 does or might constitute a danger to the health, welfare or safety
4 of the patient or the public or any conduct, practice or condition
5 which does or might impair the ability to safely and skillfully to
6 practice medicine.

7 (C) The conduct and circumstances described in
8 paragraphs 4 through 17 of the Board's Complaint constitute
9 conduct in violation of A.R.S. § 32-1854(21): Failing or refusing
10 to maintain adequate records on a patient.

11 ORDER

12 Pursuant to the authority vested in the Board, IT IS
13 HEREBY ORDERED THAT:

14 (1) William J. Luke, D.O. (Respondent), is hereby issued
15 a decree of censure.

16 (2) Respondent is placed on probationary status for a
17 period not to exceed five (5) years, beginning 30 days from the
18 effective date of this Order. (12/15/93 - 12/15/98).

19 (3) While on probationary status the Respondent shall
20 comply with all statutes and regulations applicable to the
21 practice of osteopathic medicine and with the following conditions
22 to protect the public and rehabilitate the Respondent.

23 (A) For the first 30 days of probation, as a term of
24 probation, the Respondent may not be involved in any direct
25 patient care, which shall include restricting Respondent from
26

1 providing diagnosis and treatment of any kind and prescribing or
2 administering medications.

3 (B) During probation, Respondent may not prescribe any
4 of the following controlled substances: D.E.A. schedule II and III
5 medications.

6 (C) In addition to satisfying the Board's statutory
7 requirements for continuing medical education, the Respondent
8 shall also complete twenty (20) hours of continuing medical
9 education per calendar year for the first two (2) years of
10 probation, and, said continuing medical education shall be in the
11 subject area of appropriate prescribing of narcotic and controlled
12 substances and substance addiction.

13 (4) As a further term of probation, during the first
14 three years of probation, Respondent will be subject to review of
15 all aspects of his medical practice; but, said review shall
16 primarily be in the area of diagnosis and treatment of patients
17 and maintenance of patient records. The Board shall designate the
18 reviewing physician, who shall be a practicing osteopathic
19 physician in Arizona, and who shall undertake this review as the
20 Board's designated representative and in the following manner.

21 (A) A random review of at least ten patient records
22 selected at the reviewing physician's discretion shall be
23 conducted every 120 days, commencing with the effective date of
24 this Order. Respondent shall fully cooperate with the reviewing
25 physician and provide copies of patient records and related
26 information.

1 (B) The supervising physician shall prepare a written
2 report for the Board and a copy to Respondent reflecting any
3 relevant findings or opinions concerning Respondent's medical
4 practice activity and compliance with this Order.

5 (C) In the event that the reviewing physician's report
6 discloses deficiencies in Respondent's medical knowledge or
7 proficiency, the Board may order, at its discretion and without
8 expressly making any finding of unprofessional conduct, the
9 completion of an additional twenty-five hours of CME per year
10 during the period of probation. This provision shall not limit
11 the Board in taking other disciplinary action in the event that it
12 has cause to invoke its statutory authority.

13 (D) The reviewing physician's professional fee for
14 reviewing activities shall be paid for by Respondent. Unless
15 specifically authorized by the Board to the contrary, the total
16 time that may be charged for the reviewing physician's activity
17 shall not exceed six hours for each scheduled review. The hourly
18 rate shall not exceed \$125.00 per hour.

19 (5) As a further term of probation, Respondent shall
20 appear before the Board, but no more than three times a year, to
21 discuss and respond to any questions concerning his medical
22 practice upon receipt of reasonable notice requesting his
23 appearance.

24 (6) Upon completion of the third year of probation and
25 satisfaction of the additional forty hours of CME, Respondent may
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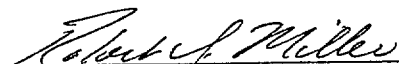
1 petition the Board to terminate probation and reinstate his
2 prescribing privileges.

3 (7) Respondent shall fully comply in a timely manner
4 will all terms of this Order and the statutes and rules governing
5 the practice of osteopathic medicine. Failure to comply shall
6 constitute grounds for disciplinary action which may include
7 suspension or revocation of his license after being given notice
8 and an opportunity for hearing.

9 (8) A civil penalty is imposed upon Respondent in the
10 total amount of \$15,000; and, said penalty shall be paid over a
11 period of not to exceed five (5) years and payment shall be made
12 in incremental amounts of \$750 on the first day of each third
13 month commencing with December 1, 1993. Respondent may pay the
14 entire balance of the civil penalty at any time. Payment may be
15 made by check made payable to the State of Arizona and personal
16 delivery to the Board's office or by regular mail (postmarked no
17 later than the date due) delivery to the Board's office.

18 ENTERED this 5th day of November, 1993 and effective
19 on November 15, 1993.

20 ARIZONA BOARD OF OSTEOPATHIC
21 EXAMINERS IN MEDICINE AND SURGERY

22 
23 ROBERT J. MILLER, Ph.D.
24 Executive Director
25
26

1 COPY of the foregoing mailed this
2 8th day of November, 1993, to:

3 William J. Luke, D.O.
4 4660 W. Thomas Rd., Suite A
Phoenix, Arizona 85031

5 Robert Bohm
6 Attorney at Law
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7 2141 E. Camelback, Suite 222
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Phoenix, Arizona 85007

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